

S.B.Cr.Misc. II Bail App. No. 4633/07
(Umed Raj Vs. State of Rajasthan)

Date of order : 18/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Ravindra Acharya for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

This is second bail application filed by the petitioner.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

The first bail application came to be dismissed as it was not pressed. However, learned counsel for the petitioner submits that after rejecting the first bail application, the material eye witnesses PW-1 Neelam, PW-2 Chakravati, PW-3 Ashok @ Pramod have been examined by the trial court and all these three witnesses did not support the prosecution case and have turned hostile.

I have carefully gone through the statement of these three witnesses. They are daughter and sons of the deceased, however, they did not support the prosecution case and have turned hostile stating that their mother while preparing tea on stove caught fire and got burn injuries and ultimately died. The other witness Surya Prakash who is said to be brother of the deceased also states the presence of these three witnesses and reached after the occurrence as he was sleeping over the roof of the house and has not witnessed the occurrence as to whether the deceased accidentally suffered burn injuries or the deceased was put to fire.

Looking to the facts and circumstances of the case and the fact that three material witnesses did not support the prosecution case, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Umed Raj S/o Shri Navratan be released on bail in FIR No. 101/2007 P.S. Merta Shahar, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP